

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

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|-----------------------|---|------------------------|
| KAREN MANERI | : | CIVIL ACTION |
| | : | |
| Plaintiff | : | Case No. 2:17-cv-03881 |
| | : | |
| v. | : | JURY TRIAL DEMANDED |
| | : | |
| STARBUCKS CORPORATION | : | |
| Defendant | : | |

**SUPPLEMENTAL MEMORANDUM OF LAW OF PLAINTIFF,
KAREN MANERI IN SUPPORT OF HER PETITION TO REMAND
THIS MATTER TO STATE COURT**

AND NOW, comes Plaintiff, Karen Maneri, by and through counsel, Christian Hoey, Esquire, and hereby moves this Honorable Court to Remand this removed matter to State Court for further proceedings and in support thereof, avers as follows:

I. SUPPLEMENTAL LEGAL ARGUMENT

The Federal Courts are Courts of limited jurisdiction and may only decide cases as authorized by the constitution. *Kokkonen vs. Guardian Life Ins.*, 511 U.S. 375 (1994). Federal subject - matter jurisdiction in civil suits is based upon the complete diversity of the parties where the amount in controversy exceeds the sum or value of \$75,000.00. 28 U.S.C. §1332(a). The statutory requirement that parties be citizens of different states means that complete diversity must exist; if any two adverse parties or co-citizens, there is no jurisdiction. *State Farm Fire and Casualty Company vs. Tashire*, 386 U.S. 523 (1967). When a corporation is a party, that corporation shall be deemed a citizen of every state and foreign state by which it has been incorporated and of the state or foreign state where it has its principle place of business. That rule is set forth below:

Diversity of Citizenship; Amount in Controversy:

(c) For the purposes of this Section and Section 1441 of this Title -

- (i). A corporation shall be deemed to be a citizen of every state and foreign state by which it has been incorporated and of the state and foreign state where it has its principle place of business...

28 U.S.C. §1332

As noted in Plaintiff's Motion to Remand as Exhibit "E", the Starbucks Corporation is a registered foreign corporation in the Commonwealth of Pennsylvania doing business throughout the Commonwealth and specifically within the County of Philadelphia. As such, there is no complete diversity as the Starbucks Corporation is a registered corporation in the Commonwealth of Pennsylvania, the same state in which Plaintiff resides. Because this matter lacks complete diversity, subject matter jurisdiction is not established and this matter must be remanded to State Court.

Respectfully Submitted:

Date: 11-10-17



CHRISTIAN J. HOEY, ESQUIRE
Attorney for Plaintiff,
Karen Maneri

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EASTERN DISTRICT OF PENNSYLVANIA**

KAREN MANERI

Plaintiff

v.

STARBUCKS CORPORATION

Defendant

CIVIL ACTION

Case No. 2:17-cv-03881

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, Christian J. Hoey, Esquire, hereby certify that on this day, I served a true and correct copy of Plaintiff's Supplemental Memorandum of Law in Support of Petition to Remand Matter to State Court to be served U.S. First Class Mail, postage pre-paid, upon the following:

The Honorable Berle M. Schiller
Eastern District Court of Pennsylvania
Room 13613
Philadelphia, PA 19106

Salvatore Vilardi, Esquire
CIPRIANI & WERNER, P.C.
450 Sentry Parkway, Suite 200
Blue Bell, PA 19422

Date: 11-10-17



CHRISTIAN J. HOEY, ESQUIRE
Attorney for Plaintiff,
Karen Maneri